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STATE

ACTION: NONE INFO: NIO/WE, ODPN-N, ODPS-S, OOE/EI/PS, OOE/FR,
OOE/WE, OPCTR/EEWE, RF, FILE, EUR/BC, EUR/F-2, EUR/RR, CR/E, D/FBIS-2,
ICS/OHC/EU, OGC, SAG/MEB, SAG/PPB, SAG/SEB-3, (15/W)

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FM AMEMBASSY PARIS
TO RUEHC/SECSTATE WASHDC IMMEDIATE 1626
RUEBWJA/DEPARTMENT OF JUSTICE WASHDC IMMEDIATE
INFO RUEHLD/AMEMBASSY LONDON PRIORITY 5390
BT
C O N F I D E N T I A L PARIS 20568

STATE FOR EUR/WE (GELBARU) AND L/LEI (KOBELITZ)

JUSTICE/LONDON FOR SPECIAL ASSISTANT RYAN

E.O. 12356: DECL: OADR
TAGS: CFED, FR
SUBJECT: KLAUS BARBIE INVESTIGATION -- MEETING AT MOJ

REFS: (A) PARIS 20385, (B) STATE 140900, (C) STATE 148134,
(D) STATE 140960

1. (C-ENTIRE TEXT)

2. EMBOFF MET MAY 31 WITH MINISTRY OF JUST CE DEPUTY
CABINET DIRECTOR DE GOUTTES, NEW (THIS WEEK) ASSISTANT
TO DE GOUTTES MADAME TREBUCCO AND EXTRADITION AND LETTERS
ROGATORY STAFF MEMBER CHAROY. WE REVIEWED WITH DE GOUTTES
FRENCH TRANSLATIONS OF QUESTIONS RYAN WISHES TO POSE OR
HAVE POSED AND PROVIDED HIM WITH A LIST OF ADDITIONAL
DOCUMENTS RYAN WISHES TO REVIEW.

3. DE GOUTTES HAD NEGATIVE REACTION TO OUR LIST OF
QUESTIONS. HE SAID THAT THE ABSENCE OF SPECIFIC
PROSECUTABLE OFFENSES MADE IT EXTREMELY DOUBTFUL
THAT LYON JUGE D'INSTRUCTION RISS OR BARBIE'S LAWYER
WOULD ALLOW THESE QUESTIONS TO BE ASKED OF BARBIE.
GIVEN THE IMPORTANCE OF THE BARBIE CASE, AND HIS DESIRE
TO EXHAUST EVERY AVENUE TO TRY TO SATISFY OUR REQUEST,
DE GOUTTES SAID HE WOULD CONSULT WITH JUSTICE MINISTER
BADINTER ON THIS MATTER. HOWEVER, IN DE GOUTTE'S
JUDGMENT, SINCE IT WAS CLEAR THAT NO INFRACTIONS WERE
ENCOMPASSED IN THE QUESTIONS, THE US ACCESS REQUEST
WOULD HAVE TO BE DENIED AND HE WOULD RECOMMEND THAT
THE QUESTIONS NOT REPEAT NOT BE SENT TO LYON.

4. DE GOUTTES AND MOJ TECHNICAL STAFF PRESENT RECALLED
THAT UNDER FRENCH LAW (ARTICLE 30 OF 1927 LAW ON JUDICIAL
COOPERATION), ONLY JUDICIAL REQUESTS RELATING TO CRIMINAL
CHARGES COULD BE HONORED AND THAT THE LETTERS ROGATORY
PROCESS WAS MANDATORY IN SUCH CASES. EMBOFF DESCRIBED
PURPOSES OF RYAN REQUEST ALONG LINES REFTELS B AND C AND
INFORMED MOJ STAFF THAT IT WAS WASHINGTON'S VIEW THAT IT
WAS NOT POSSIBLE TO LINK QUESTIONS TO THE US CRIMINAL
CODE. MOJ STAFF SAID THAT, LACKING THIS CRIMINAL CONNEC-
TION, IT WOULD BE IMPOSSIBLE TO PROCEED WITH THE CRIMINAL
COOPERATION PROCESS, THE ONLY AVENUE OPEN IN THIS CASE.
WHEN EMBOFF SUGGESTED POSSIBILITY OF MEETING BETWEEN

COORDINATED WITH

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DECLASSIFIED AND RELEASED BY
CENTRAL INTELLIGENCE AGENCY
SOURCES METHODS EXEMPTION 3B2B
NAZI WAR CRIMES DISCLOSURE ACT
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RYAN AND RISS, DE GOUTTES SUGGESTED THAT IT MIGHT BE POSSIBLE FOR RYAN TO MEET WITH OFFICIALS IN THE LYON PUBLIC PROSECUTOR'S OFFICE (PARQUET) BUT QUESTIONED WHAT PURPOSE WOULD BE SERVED BY ANY RYAN/RISS MEETING.

5. WE THEN PROVIDED MOJ STAFF WITH LIST OF DOCUMENTS RYAN WISHED TO SEE, NOTING THAT QUAI ARCHIVIST DE NOMAZY HAD SAID THAT MOJ APPROVAL WOULD BE NECESSARY PRECONDITION FOR RELEASE. DE GOUTTES SAID HE WAS AWARE OF QUAI/RYAN AGREEMENT ON ACCESS TO CERTAIN "HISTORICAL" DOCUMENTS, AND WOULD HAVE NO OBJECTION TO OTHER SIMILAR ARRANGEMENTS. CHAROY NOTED THAT THE DOCUMENTS REQUESTED BY RYAN HAD ALL BEEN TRANSFERRED TO LYON AND WERE PART OF THE OVER SIXTY KILOS OF DOCUMENTS WHICH NOW FORMED THE LYON PARQUET'S BARBIE FILE. DE GOUTTES AND STAFF RECOMMENDED THAT WE SEND A LETTER TO FRENCH PROCUREUR GENERAL ASKING FOR THESE DOCUMENTS. THEY WOULD NOT GIVE OPINION AS TO PROCUREUR'S DECISION ON USG ACCESS TO DOCUMENTS, BUT SAID THAT REQUEST WOULD PROBABLY BE TREATED LIKE ANY REQUEST FROM AN "INTERESTED PERSON". (EMBASSY WILL PREPARE AND SEND LETTER ALONG LINES SUGGESTED BY MOJ).

6. EMBASSY COMMENT: IT APPEARS THAT THE "NO" WE RECEIVED MAY 31 ON BARBIE ACCESS MAY WELL BE THE LAST WORD FROM THE MOJ ON THIS MATTER AND THAT THE REQUEST WILL NOT BE SENT TO LYON FOR ADJUDICATION. THE MOJ'S LINE ON THIS REQUEST MAY WELL HAVE BEEN STIFFENED BY RECENT PRESS REPORTS OF US REQUEST FOR ACCESS TO BARBIE AND HEIGHTENED POLITICAL SENSITIVITIES SURROUNDING THE CASE. WE SEE SOME SILVER LINING HERE: IN OUR VIEW, IT IS NOT IN THE US GOVERNMENT'S LONG-TERM INTEREST TO HAVE BARBIE ANSWER WHAT ARE LARGELY OPEN-ENDED QUESTIONS. BARBIE COULD EASILY LIE OR DISTORT THE TRUTH TO SERVE HIS OWN PURPOSES. HIS ANSWERS WOULD BE MADE PART OF THE PERMANENT RECORD. WE WOULD THEN HAVE TO RE-ESTABLISH WHAT WERE THE ACTUAL CIRCUMSTANCES AS DESCRIBED AND PROBABLY DISTORTED BY BARBIE. IN ADDITION, WE ARE TROUBLED BY AT LEAST TWO OF THE QUESTIONS (B AND C) WHICH DEAL WITH THE BRITISH CONNEC-

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TION TO BARBIE IN 1946-47. ANSWERS TO THESE QUESTIONS RISK EMBARRASSING THE BRITISH AND WE WONDER IF THEY WERE CONSULTED ON THESE QUESTIONS. GALBRAITH
END OF MESSAGE
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